

AMENDMENT AND RESPONSE

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Serial No.: 10/777,293

Filing Date: 2/12/2004

Attorney Docket No. 700.002US01

Title: LARYNGOSCOPE BLADE

REMARKS

Applicant has reviewed the Office Action mailed on February 6, 2006 as well as the art cited. Claims 1, 3, 5-7, 9-14 22, 24, 25, 27 and 28 have been amended. Claims 1-31 are pending in this application.

Information Disclosure Statement

Applicant respectfully requests that a copy of the 1449 form, listing all references that were submitted with the Information Disclosure Statement filed on February 14, 2004, marked as being considered and initialed by the Examiner, be returned with the next official communication. For the Examiner's convenience, a copy of the original filing is attached.

Teleconference With Examiner

Applicant thanks Examiner Matthew Kasztejna for the teleconference on April 26, 2006. The Applicant discussed with the Examiner the difference in the position of the second tongue displacement plate in the present application, as illustrated in Figure 3 of the present application, and the positions of the plates that make the of blade in the '972 Patent as illustrated in Figure 6. The Applicant agreed to amend the independent claims that did not include the second tongue displacement plate accordingly.

Claim Objections

Applicant has amended the claims to correct the typos. Accordingly, the Applicant requests the withdrawal of the claim objections.

Rejections Under 35 U.S.C. § 112

Claim 14 was rejected under 35 USC § 112, second paragraph, for failing to point out and distinctly claim the subject matter which the application regards as his invention. The Applicant has amended Claim 14 to overcome the rejection. Accordingly, the Applicant requests the withdrawal of the rejection of claim 14 under section 112.

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Rejections Under 35 U.S.C. § 102

Claims 1-14, 16-22 and 24-31 were rejected under 35 USC § 102(a) as being anticipated by Sakamoto (U.S. Patent No. 6,095,972).

Claim 1

Independent Claim 1 is as follows:

1. (Currently amended) A laryngoscope blade comprising:
 - a main blade portion having a posterior surface, a distal end and proximal end;
 - a blade tip extending from the distal end of the main blade portion, the blade tip having a width that is flared wider in a first direction than a width of the main blade portion, the blade tip further being at a select angle with relation to the posterior surface of the main blade portion; and
 - a first tongue displacement plate coupled to the main blade portion along a length of the blade;
 - a second tongue displacement plate extending from the first tongue displacement plate,
 - wherein the second tongue displacement plate and the first tongue displacement plate are adapted to work together to displace a patient's tongue during use of the laryngoscope, the second tongue displacement plate having at least one rounded corner; and
 - a blade base coupled to the proximal end of the blade.

As discussed during the interview, the Applicant has amended independent claim 1 to include a second tongue displacement plate. The Applicant has further added the language "the second displacement plate having at least one rounded corner." This feature of the second tongue displacement plate is illustrated in Figure 4 of the present application. This amendment further defines the present invention over U.S. Patent No. 6,623,425 (the '425 patent) submitted in an accompanying information disclosure statement (IDS). Therefore, the Applicant respectfully requests the withdrawal of the rejection of claim 1 under section 102.

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Claim 13

Independent Claim 13 is as follows:

13. (Currently amended) A laryngoscope blade, the blade comprising:

a main blade portion having a length defined by a distal end and a proximal end, the main blade being generally straight along its length;

a first tongue displacement plate having a first end extending from a first side of the main blade portion, the first tongue displacement plate further extending along a select length of the main blade portion that is proximate the distal end of the main blade portion;

a second tongue displacement plate extending from a second end of the first tongue displacement plate in a direction away from the main displacement blade, the first tongue displacement plate and the second tongue displacement plate being adapted to work together to displace a patient's tongue; and

a blade base coupled to the proximal end of the main blade portion, the blade base adapted to selectively couple a laryngoscope handle to the laryngoscope blade.

The Applicant has added language regarding "the main blade being generally straight along its length." This feature combined with the second tongue displacement plate aspect as set out in Claim 13 is not taught by the prior art. For example, the main blade in the '425 patent is curved along its length. Therefore, the Applicant respectfully requests the withdrawal of the rejection of claim 13 under section 102.

Claim 22

Independent claim 22 is as follows:

22. (Currently amended) A laryngoscope blade, the blade comprising:

a main blade portion having a posterior surface, a distal end and a proximal end;

a blade tip extending from the distal end of the main blade portion, the blade tip further extending beyond a width of the main blade portion from a first side of the main blade portion,

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the blade tip further extending from the posterior surface of the main blade portion at a select angle;

a first tongue displacement plate extending from a second side of the main blade portion at generally a right angle, the first tongue displacement portion further extending along a select length of the main blade portion proximate the distal end of the main blade portion;

a second tongue displacement plate extending from the first displacement plate at generally a right angle, the second displacement plate further extending from the first displacement plate in a direction that is generally away from the main blade portion the second tongue displacement plate having at least one curved edge; and

a blade base coupled to the proximal end of the main blade portion.

The Applicant has added the language "the second tongue displacement plate having at least one curved edge." This feature of the second tongue displacement plate is illustrated in Figure 4 of the present application. This amendment further defines the present invention over the '425 patent submitted in an accompanying information disclosure statement (IDS). Therefore, the Applicant respectfully requests the withdrawal of the rejection of claim 22 under section 102.

Claim 27

Independent claim 27 is as follows:

27. (Currently amended) A laryngoscope comprising:
- a laryngoscope handle; and
 - a laryngoscope blade, the laryngoscope blade including,
 - a main blade portion having an posterior surface, a distal end and a proximal end, the posterior surface having a length that is generally straight from the proximal end up to the distal end,

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a blade tip extending from the distal end of the main blade portion, the blade tip further extending beyond a width of the main blade portion from a first side of the main blade portion, the blade tip further extending from the posterior surface of the main blade portion at a select angle,

a first tongue displacement plate extending from a second side of the main blade portion at generally a right angle, the first tongue displacement portion further extending along a select length of the main blade portion proximate the distal end of the main blade portion,

a second tongue displacement plate extending from the first tongue displacement plate at generally a right angle, the second tongue displacement plate further extending from the first tongue displacement plate in a direction that is generally away from the main blade portion, and

a blade base extending from the proximal end of the main blade portion, the blade base is adapted to be selectively coupled to the laryngoscope handle.

The Applicant has added language regarding "a main blade portion having an posterior surface, a distal end and a proximal end, the posterior surface having a length that is generally straight from the proximal end up to the distal end." This feature combined with the second tongue displacement plate aspect as set out in Claim 13 is not taught by the prior art. For example, the posterior surface of the main blade in the '425 patent is curved along its length. Therefore, the Applicant respectfully requests the withdrawal of the rejection of claim 13 under section 102.

Claim 28

Independent claim 28 is as follows:

28. (Currently amended) A method of using a laryngoscope, the method comprising:
inserting a substantially straight laryngoscope blade into a patient's oral cavity;

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displacing a patient's tongue with first and second displacement plates that are located proximate a distal end of the laryngoscope blade;
positioning a proximal end of the laryngoscope blade proximate a patients upper teeth;
and
exposing the patient's aditus of larynx.

The Applicant has amended claim 28 to include the aspect that the laryngoscope blade is "substantially straight." This combined with "displacing a patient's tongue with first and second displacement plates that are located proximate a distal end of the laryngoscope blade" is not taught with the '425 patent. Therefore, the Applicant respectfully requests the withdrawal of the rejection of claim 28 under section 102.

Since the Applicant believes the dependent claims are allowable because they dependant from and further define their respective independent claims as discussed above, further arguments regarding their rejections have not been put forth in this response. The Applicant, however, retains the right to address said rejections if a further response is required.

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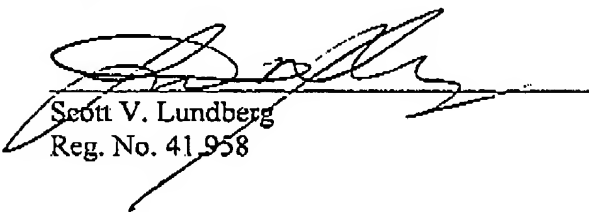
CONCLUSION

Applicant respectfully submits that claims 1-31 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at 612-332-4720.

Respectfully submitted,

Date:

5-5-06
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